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Of Attorneys for Netarts-Oceanside Sanitary District

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re

MARK AND PAULA HYLLAND

Debtors.

Case No. 13-31948-tmb11

**NETARTS-OCEANSIDE SANITARY
DISTRICT'S REQUEST FOR
ADEQUATE ASSURANCE PAYMENT**

Netarts-Oceanside Sanitary District ("NOSD") hereby responds to Debtors' Motion for Determination that Adequate Assurance of Payment Has Been Furnished to Utility Service Providers (the "Motion"). NOSD provides sewer utility services to Debtors at 1510 Chinook in Oceanside, Oregon 97141. NOSD does not object to the Motion; rather, NOSD hereby requests payment of adequate assurance as set forth in the Motion. This response is supported by the Declaration of Tami Walker attached hereto and by this reference incorporated herein.

NOSD further wishes to clarify that the adequate assurance payment to NOSD on account of its sewer services should be \$66.00, not \$44.00 as specified in the Motion. Debtors' Motion mistakenly listed a proposed adequate assurance payment of \$44.00 to NOSD for sewer services and a separate adequate assurance payment to NOSD of \$66.00 for water services. This is incorrect for two reasons: (a) Debtors current Sewer User Fee Charge is \$66.00 per month, and this is the amount of adequate assurance payment that should be paid for sewer services; and (b)

NOSD does not provide water services to Debtors. *See* Declaration of Tami Walker in Support of Netarts-Oceanside Sanitary District's Request for Adequate Assurance Payment ("Walker Decl."), ¶ 5. Oceanside Water District – not NOSD – provides water services to Debtors. Walker Decl., ¶ 5. NOSD does not request any amount of adequate assurance payment for water services; rather, NOSD request an adequate assurance deposit in the amount of \$66.00 for sewer services.

WHEREFORE, NOSD respectfully requests that the Court enter an order on Debtors' Motion granting NOSD a \$66.00 adequate assurance deposit for sewer services.

DATED this 26th day of April, 2013.

Respectfully submitted,

CABLE HUSTON BENEDICT
HAAGENSEN & LLOYD LLP

By /s/ R. Brent Berselli
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Attorneys for Netarts-Oceanside Sanitary District

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FOR THE DISTRICT OF OREGON

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**DECLARATION OF TAMI WALKER IN
SUPPORT OF NETARTS-OCEANSIDE
SANITARY DISTRICT'S REQUEST FOR
ADEQUATE ASSURANCE PAYMENT**

I, Tami Walker, declare as follows:

1. I am currently employed by Netarts-Oceanside Sanitary District ("NOSD"), as its office manager.
2. I am over the age of eighteen and competent to testify to the facts stated herein, and I base this declaration on personal knowledge, observation and belief.
3. NOSD provides sewer sanitation services to Mark and Paula Hylland (collectively, the "Debtors") at their residence located at 1510 Chinook, Oceanside, OR 97141.
4. Over the past twelve (12) months, the average monthly charge to Debtors for sewer sanitation services was \$66.00. NOSD hereby requests that amount be deposited with them as an adequate assurance payment.
5. Debtors' Motion for Determination that Adequate Assurance of Payment Has Been Furnished to Utility Service Providers (the "Motion") incorrectly proposes an adequate assurance payment to NOSD for "water" of \$66.00 and proposes a second adequate assurance

payment to NOSD for “sewer” of \$44.00. NOSD does not provide water services to Debtors’ residence; rather, those services are provided by Oceanside Water District, which is a separate and distinct entity from NOSD.

6. As stated above, Debtors’ Motion incorrectly listed the average monthly amount charged for sewer services. NOSD charges Debtors \$66.00 per month for sewer services, and this is the amount that NOSD should receive as an adequate assurance deposit.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THAT IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED this 26th day of April, 2013.

/s/ Tami Walker
Tami Walker

4850-8972-8019, v. 2

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NETARTS-OCEANSIDE
SANITARY DISTRICT'S REQUEST FOR ADEQUATE ASSURANCE
PAYMENT, and DECLARATION OF TAMI WALKER IN SUPPORT OF
NETARTS-OCEANSIDE SANITARY DISTRICT'S REQUEST FOR ADEQUATE
ASSURANCE PAYMENT** on all ECF participants through the Court's Case
Management/Electronic Case File system.

DATED this 26th day of April, 2013.

/s/ R. Brent Berselli

Chad M. Stokes, OSB No. 004007

R. Brent Berselli, OSB No. 092832

Of Attorneys for NOSD